



**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
(800) 992-0900
(In Nevada Only)
<http://water.nv.gov>

May 29, 2009

NOTICE OF HEARING

City of Yerington
Dan Newell, City Manager
102 S. Main Street
Yerington, Nevada 89447
Certified Mail
#7106 7808 0630 0039 6967

Lyon County
Board of Commissioners
27 S. Main Street
Yerington, Nevada 89447
Certified Mail
#7106 7808 0630 0039 6974

Re: Mason Valley Hydrographic Basin proposed order

Ladies and Gentlemen:

Please take notice; pursuant to the authority set forth in NRS § 534.350, the State Engineer has set a hearing to consider the matter of a proposed order to establish a domestic well credit program within the Mason Valley Hydrographic Basin (108), Lyon County and Mineral County, Nevada. A copy of the proposed order is enclosed for your review.

Accordingly, the hearing will convene promptly at 10:00 a.m., Friday, July 10, 2009, at City Hall, 102 S. Main Street, Yerington, Nevada.

Representatives of the City of Yerington, who requested the domestic well credit program, should plan to attend the hearing for the purpose of presenting evidence or testimony in support of its position concerning the proposed order. Public comment on the proposed order will also be taken from any other interested party. Written comments will be accepted up to the close of the hearing on July 10, 2009.

The hearing will be reported by a certified court reporter. An original and one copy of the transcript of the proceedings must be filed with the State Engineer.

Notice of Hearing

Re: Mason Valley Hydrographic Basin proposed order

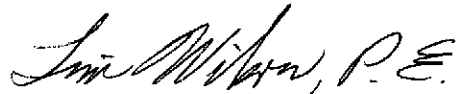
May 29, 2009

Page 2

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the hearing. If special arrangements for the hearing are necessary, please notify Tim Wilson, in writing, at the Division of Water Resources, 901 S. Stewart Street, Suite 2002, Carson City, Nevada, 89701, or by calling (775) 684-2873, as soon as possible.

If you have any questions, please feel free to contact me at (775) 684-2873.

Sincerely,



Tim Wilson, P.E.
Hearings Officer

TW/jm

Enclosure

cc: Tracy Taylor, E-mail
Jason King, E-mail
Kelvin Hickenbottom, E-mail
Bob Conrad, E-mail
Mike Wolz, E-mail
Bryan Stockton, E-mail
Roy Mc Donald, Public Works Director
Brent Farr, Farr West Engineering
Public Utilities Commission of Nevada
Barbara Shand, E-mail
Brendon Riley, E-mail
Cy Ryan, E-mail
Ed Vogel, E-mail
Henry Brean, E-mail
Ian Russell, E-mail
J.C. Davis, E-mail
Jeff De Long, E-mail
Josh Johnson, E-mail
Keith Rogers, E-mail
Ken Ritter, E-mail
Kent Harper, E-mail
Lisa Wolf, E-mail
Mary Manning, E-mail
Patty Kaczmarek, E-mail
Ray Thompson, E-mail
Sean Whaley, E-mail
Warren Bates, E-mail
Steve Del Soldato, E-mail
Elko Branch Office, E-mail
Southern Nevada Branch Office, E-mail
Capitol Reporters, regular mail

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

PROPOSED ORDER — — — —

**FOR DOMESTIC WELL CREDIT WITHIN THE
MASON VALLEY (108), HYDROGRAPHIC BASIN**

WHEREAS, this order is adopted under the procedure set forth in Chapter 534.350 of the Nevada Revised Statutes for the establishment of a program that allows a public water system to receive credits for the addition of new customers to its system;

WHEREAS, this order covers the Mason Valley Hydrographic Basin (108) as described and designated by State Engineer's Order Nos. 621, 672, and 1125 more specifically described as being:

T.9N., R.25E. (MDB&M)

All of Sections 1, 2 and 12, and that portion of Sections 3, 10, 11, 13 and 14 lying within the Mason Valley Drainage Basin.

T.9N., R.26E. (MDB&M)

All of Sections 4, 5, 6 and 8, and that portion of Sections 1, 2, 3, 7, 9, 10, 16, 17 and 18 lying within the Mason Valley Drainage Basin.

T.9N., R.27E. (MDB&M)

That portion of Section 6 lying within the Mason Valley Drainage Basin.

T.10N., R.25E. (MDB&M)

All of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 36 and 36, and that portion of Sections 5, 8, 16, 17, 21, 22, 27, 33 and 34 lying within the Mason Valley Drainage Basin.

T.10N., R.26E. (MDB&M)

All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36, and that portion of Sections 2, 11, 12, 13, 24 and 25 lying within the Mason Valley Drainage Basin.

T.10N., R.27E. (MDB&M)

That portion of Sections 30 and 31 lying within the Mason Valley Drainage Basin.

T.11N., R.25E. (MDB&M)

All of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 27, 34, 35 and 36, and that portion of Sections 5, 8, 16, 17, 21, 28, 32 and 33 lying within the Mason Valley Drainage Basin.

T.11N., R.26E. (MDB&M)

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, and that portion of Sections 11, 12, 14, 22, 23, 27, 34 and 35 lying within the Mason Valley Drainage Basin.

T.11N., R.27E. (MDB&M)

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, and that portion of Sections 15, 16, 17, 18, 19, 20, 23 and 24 lying within the Mason Valley Drainage Basin.

T.11N., R.28E. (MDB&M)

All of Sections 6, 7, 17 and 18, and that portion of Sections 5, 8, 9, 16, 19, 20 and 21 lying within the Mason Valley Drainage Basin.

T.12N., R.24E. (MDB&M)

That portion of Sections 1, 2, 11 and 12 lying within the Mason Valley Drainage Basin.

T.12N., R.25E. (MDB&M)

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, and that portion of Sections 18, 19, 30, 31 and 32 lying within the Mason Valley Drainage Basin.

T.12N., R.26E. (MDB&M)

All Sections.

T.12N., R.27E. (MDB&M)

All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, and that portion of Section 1 lying within the Mason Valley Drainage Basin.

T.12N., R.28E. (MDB&M)

All of Sections 18, 19, 30 and 31, and that portion of Sections 6, 7, 8, 17, 20, 29 and 32 lying within the Mason Valley Drainage Basin.

T.13N., R.24E. (MDB&M)

All of Sections 1 and 2, and that portion of Sections 3, 10, 11, 12, 13, 14, 24, 25, 26, 35 and 36 lying within the Mason Valley Drainage Basin.

T.13N., R.25E. (MDB&M)

All Sections.

T.13N., R.26E. (MDB&M)

All Sections.

T.13N., R.27E. (MDB&M)

All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34 and 35, and that portion of Sections 3, 10, 15, 22, 23, 26 and 36 lying within the Mason Valley Drainage Basin.

T.14N., R.24E. (MDB&M)

All of Sections 1, 2, 10, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36, and that portion of Sections 3, 4, 9, 15, 16, 21, 22, 27, 28 and 34 lying within the Mason Valley Drainage Basin.

T.14N., R.25E. (MDB&M)

All Sections.

T.14N., R.26E. (MDB&M)

All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, and that portion of Sections 1, 2 and 12 lying within the Mason Valley Drainage Basin.

T.14N., R.27E. (MDB&M)

All of Section 31, and that portion of Sections 18, 19, 29, 30, 32 and 33 lying within the Mason Valley Drainage Basin.

T.15N., R.24E. (MDB&M)

All of Sections 25, 26, 35 and 36, and that portion of Sections 13, 14, 22, 23, 24, 27 and 34 lying within the Mason Valley Drainage Basin.

T.15N., R.25E. (MDB&M)

All of Sections 1, 2, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, and that portion of Sections 3, 4, 7, 8, 9 and 18 lying within the Mason Valley Drainage Basin.

T.15N., R.26E. (MDB&M)

All of Sections 19, 30, 31, 32 and 33, and that portion of Sections 6, 7, 17, 18, 20, 27, 28, 29, 34 and 35 lying within the Mason Valley Drainage Basin.

WHEREAS, this order proposes that a public water system that provides water for municipal purposes within the area described above receive a credit for each customer who is added to their system provided:

- a. A single family dwelling which is presently utilizing a domestic well on a lot established as a separate lot before July 1, 1993, and voluntarily ceases to draw water from that well located within the described area; or
- b. Any owner of a lot with the ability to drill a domestic well and utilize water from that well meets the following conditions:
 - (1) That the described lot is located within the area described; and
 - (2) That the lot was established as a separate lot before July 1, 1993; and
 - (3) That the lot was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and
 - (4) A written agreement is entered between the owner of the lot and the public water system, wherein, the owner agrees not to drill a domestic well on the lot, and the public water system agrees that it will provide water service to that lot. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to Chapter 111 of NRS.

WHEREAS, if a county requires, by ordinance, the dedication to the county of a right to appropriate water from a domestic well which is located on a lot or other parcel of land that was established as a separate lot or parcel on or after July 1, 1993, the county may, by relinquishment to the State Engineer, allow the right to appropriate water to revert to the source of the water and if an owner of such a parcel of land becomes a new customer of a public water system for that parcel of land, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system pursuant to NRS 534.350.

WHEREAS, the State Engineer may require each new customer who voluntarily ceases to withdraw water from a domestic well to plug that well at such time as notification of service from the public water system is made.

WHEREAS, a credit granted to the public water system under this order:

- a. Will be for domestic uses as defined by NRS 534.013.
- b. May not exceed the increase in water consumption attributable to the additional service connection or 2 acre-feet per year, whichever is less. The amount of water provided to each service will be reported by each public utility on a yearly basis, in addition to the amount pumped under any permitted water right.
- c. Cannot be converted to an appropriative right.
- d. May only be used at the location of the lot for which credit is being sought.
- e. Will only be from a water purveyor who pumps ground water within the same ground water basin as covered by this order.

WHEREAS, this order does not:

- a. Require any public water system to extend its service area unless approved by the Nevada Public Utilities Commission, if applicable.
- b. Authorize any increase or the potential increase in the total amount of ground water pumped in the Mason Valley Hydrographic Basin (108).
- c. Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this order.
- d. Interfere with the State Engineer's authority to possibly restrict the drilling of a domestic well for domestic use, as defined in this order, in the described area of this order where water can be furnished by an entity presently engaged in serving water within the said area.

WHEREAS, for the purposes of this order:

- a. "Domestic well" means a well used for culinary and household purposes in:
 - (1) A single-family dwelling; and
 - (2) An accessory dwelling unit for a single-family dwelling if provided for in an applicable local ordinance, including the watering of a garden, lawn and domestic animals where the draught does not exceed 2 acre-feet per year.
- b. "Lot" has the meaning ascribed to it in NRS 278.0165.
- c. "Public Water System" has the meaning ascribed to it in NRS 445A.840.

NOW THEREFORE, pursuant to the authority in NRS 534.350, the State Engineer hereby establishes a domestic well credit program in the Mason Valley Hydrographic Basin (108), as heretofore described.

Tracy Taylor, P.E.
State Engineer

Dated at Carson City, Nevada this
____ day of _____, 2009.